

PART 5

Standards for Toxic Air Contaminants and Hazardous Air Pollutants

REGULATION 5.01 General Provisions

Air Pollution Control District of Jefferson County

Jefferson County, Kentucky

**Relates To:** KRS Chapter 77 Air Pollution Control

**Pursuant To:** KRS Chapter 77 Air Pollution Control

**Necessity And Function:** KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation establishes the general provisions for toxic air contaminants and the federal requirements for hazardous air pollutants.

SECTION 1 Definitions

Terms used in this regulation that are not defined in this regulation shall have the meaning given to them in Regulation 1.02 *Definitions*. As used in the Part 5 regulations, the following terms shall have the meaning given to them in this section.

1.1 “Benchmark ambient concentration” means the concentration of a toxic air contaminant that is used in determining environmental acceptability pursuant to Regulation 5.21 *Environmental Acceptability for Toxic Air Contaminants*.

1.1.1 The benchmark ambient concentration for a carcinogen ( $BAC_C$ ) is the concentration, including an averaging time frame, of a toxic air contaminant that is representative of an additional lifetime cancer risk of one in one million ( $1 \times 10^{-6}$ ). The benchmark ambient concentration for a carcinogen is established pursuant to Regulation 5.20 *Methodology for Determining Benchmark Ambient Concentration for a Toxic Air Contaminant* Section 3.

1.1.2 The benchmark ambient concentration for the noncarcinogenic effects of a toxic air contaminant ( $BAC_{NC}$ ) is the concentration, including an averaging time frame, of a toxic air contaminant that is likely to be without an appreciable risk of deleterious effects during a lifetime. The benchmark ambient concentration for the noncarcinogenic effects of a toxic air contaminant is established pursuant to Regulation 5.20 Section 4.

1.2 “Category 1 TAC” means a toxic air contaminant listed in Regulation 5.23 *Categories of Toxic Air Contaminants* Section 1.

1.3 “Category 1A TAC” means a toxic air contaminant listed in Regulation 5.23 Section 2.

1.4 “Category 2 TAC” means a toxic air contaminant listed in Regulation 5.23 Section 3.

1.5 “Category 3 TAC” means a toxic air contaminant listed in Regulation 5.23 Section 4.

1.6 “Exempt stationary source” means any of the following:

1.6.1 A gasoline dispensing facility subject to the provisions of Regulation 6.40 *Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control)*, that may also include a cold cleaner subject to the provisions of Regulation 6.18 *Standards of Performance for Solvent Metal Cleaning Equipment* Section 4 *Cold Cleaners*. A gasoline dispensing facility does not include the initial transfer of gasoline into the fuel tanks of new motor vehicles at an automobile or truck

- assembly plant,
- 1.6.2 A stationary source subject to the provisions of Regulation 6.44 *Standards of Performance For Existing Commercial Motor Vehicle And Mobile Equipment Refinishing Operations* or Regulation 7.79 *Standards of Performance For New Commercial Motor Vehicle And Mobile Equipment Refinishing Operations*,
- 1.6.3 A stationary source subject to the provisions of Regulation 5.02 *Adoption of National Emission Standards for Hazardous Air Pollutants* section 3.12 *National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities*, or
- 1.6.4 A stationary source whose only permitted process or process equipment is a cold cleaner subject to the provisions of Regulation 6.18 Section 4.
- 1.7 “Group 1 stationary source” means a stationary source subject to Regulation 2.16 *Title V Operating Permits*.
- 1.8 “Group 2 stationary source” means a stationary source that either:
- 1.8.1 Applied for an operating permit pursuant to Regulation 2.17 *Federally Enforceable District Origin Operating Permits* (FEDOOP stationary source), or
- 1.8.2 Is not a Group 1, FEDOOP, or Exempt stationary source, and the actual emissions from the stationary source are 25 or more tons per year individually of sulfur dioxide, particulate matter, volatile organic compounds, or oxides of nitrogen.
- 1.9 “New or modified” process or process equipment means, for a process or process equipment, one of the following:
- 1.9.1 The construction permit is issued on or after [insert the effective date of Version 4 of this regulation] and the process involves the potential emission of a Category 1 or 1A TAC, or
- 1.9.2 An administratively complete application for a construction permit is received by the District on or after [insert the effective date of Version 4 of this regulation] and the process involves the potential emission of a Category 2 or 3 TAC but does not involve the potential emission of a Category 1 or 1A TAC, excluding a process or process equipment for which the construction permit application was received by the District before June 30, 2004.

## SECTION 2 Applicability

This regulation applies to the owner or operator of any process or process equipment that emits or may emit a toxic air contaminant or hazardous air pollutant or for which a toxic air contaminant or hazardous air pollutant emission standard or other requirement is prescribed in a Part 5 regulation. A new or modified process or process equipment shall comply with all applicable emission standards upon commencing operation.

## SECTION 3 General Duty

The owner or operator of a process or process equipment from which a toxic air contaminant is or may be emitted shall provide the utmost care and consideration to prevent the potential harmful effects of the emissions resulting from the process or process equipment. A person shall not allow any process or process equipment to emit a toxic air contaminant in a quantity or duration that could be harmful to the health and welfare of humans, animals, and plants.

**SECTION 4 New or Modified Process or Process Equipment that May Emit a Toxic Air Contaminant**

4.1 A construction permit required by the provisions of the Part 2 regulations for a new or modified process or process equipment that may emit a toxic air contaminant shall, except as exempted pursuant to section 4.2, incorporate the following provisions:

4.1.1 The allowed emission standard for a Category 1 or 1A TAC from a Group 1 or 2 stationary source shall have been demonstrated to comply with the environmental acceptability goals of Regulation 5.21 section 2.2 except as provided in Regulation 5.21 section 2.3,

4.1.2 The allowed emission standard for a Category 2 or 3 TAC from a Group 1 or 2 stationary source shall meet one of the following:

4.1.2.1 Has been demonstrated to comply with the environmental acceptability goals of Regulation 5.21 section 2.2 except as provided in Regulation 5.21 section 2.3, or

4.1.2.2 Has been demonstrated to comply with the provisions of Section 3 of this regulation, and

4.1.3 As determined appropriate by the District, the construction permit shall require the owner or operator of the new or modified process or process equipment to install, calibrate, operate, and maintain a continuous or intermittent emissions or parametric monitoring system. Applicable records shall be maintained for a period of at least 5 years, made available to the District upon request, and submitted to the District as specified in the construction permit.

4.2 Unless specifically adopted in these regulations, the provisions of sections 4.1.1 and 4.1.2 shall not apply to the following:

4.2.1 A new or modified process or process equipment regulated pursuant to Regulation 6.40 *Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control)* at a gasoline dispensing facility (which does not include the initial transfer of gasoline into the fuel tanks of new motor vehicles at an automobile or truck assembly plant),

4.2.2 A new or modified process or process equipment regulated pursuant to Regulation 6.44 *Standards of Performance For Existing Commercial Motor Vehicle And Mobile Equipment Refinishing Operations* or Regulation 7.79 *Standards of Performance For New Commercial Motor Vehicle And Mobile Equipment Refinishing Operations*,

4.2.3 A new or modified process or process equipment regulated pursuant to Regulation 5.02 *Adoption of National Emission Standards for Hazardous Air Pollutants* section 3.12 *National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities*,

4.2.4 A new or modified surface coating process, including a coating change, or process equipment for which the potential volatile organic compound emissions are less than 5.0 tons per year, and

4.2.5 A new or modified cold cleaner subject to the provisions of Regulation 6.18 *Standards of Performance for Solvent Metal Cleaning Equipment* Section 4 *Cold Cleaners* at a stationary source meeting one of the following:

4.2.5.1 The only permitted process or process equipment at the stationary source is a cold cleaner,

4.2.5.2 The cold cleaner is located at a gasoline dispensing facility identified in section 4.2.1, or

128      4.2.5.3            The cold cleaner is located at a stationary source identified in section 4.2.2.

129      **SECTION 5    Savings Clause**

130      Any emission standard established pursuant to Regulation 5.11 *Standards of Performance for*  
131      *Existing Sources Emitting Toxic Air Pollutants* or Regulation 5.12 *Standards of Performance for*  
132      *New or Modified Sources Emitting Toxic Air Pollutants* as of [insert the effective date of Version  
133      4 of this regulation] shall remain in effect until replaced with an emission standard established  
134      pursuant to Regulation 5.21.

135      Adopted v1/7-14-76; effective 9-1-76; amended v2/6-13-79, v3/4-20-88.